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September 14, 2006

Michael B. Day

Linda Serizawa, Director
Consumer Safety Information Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

**Re: "Challenges Facing Consumers with Limited English Skills in the
Rapidly Changing Telecommunications Market," Draft Report**

Dear Ms. Serizawa:

Cingular Wireless, LLC, T-Mobile, Sprint PCS, Verizon Wireless, and CTIA-The Wireless Association® (collectively the "Joint Wireless Carriers") hereby submit the following comments on the Draft Report regarding "Challenges Facing Consumers with Limited English Speaking Skills in the Rapidly Changing Telecommunications Marketplace" issued by the Staff of the California Utilities Commission ("Commission") on August 21, 2006 ("Draft Report").

As an initial matter, the Joint Wireless Carriers applaud the efforts undertaken by Commission Staff, as reflected in the Draft Report, to identify the unique challenges faced by limited proficiency in English (LEP) consumers in obtaining telecommunications services. As identified in the Draft Report, the language and cultural barriers faced by California's diverse population are more complex than perhaps anticipated. For example, there are at least 220 languages spoken in California, and, as noted in the Draft Report (at p. 10), such total does not account for varying dialects. Moreover, diverse cultural characteristics seem to impact how an individual perceives or understands written material as well as their willingness/ ability to seek assistance from a telephone carrier, or even the Commission itself. Layered on top of these issues, are other complicating factors such as the differing educational levels of the target audience as well the need for different or additional advice than that provided to English proficient customers (*See* Draft Report at p. 62)

Having identified many of the challenges, the Draft Report concludes (at p. 66):

Further study is required, however, to define specific options and analyze their costs, benefits, anticipated outcomes, and feasibility of options for addressing those challenges. This study should take place before a formal proceeding is initiated to ensure a focused response to these problems in a most expeditious way; many actions can be accomplished quickly without the need for a formal

proceeding. There is also the possibility that the collaborative process that has been guiding CPI implementation may be able to yield voluntary solutions by the carriers in a manner that satisfies the Commission.

The Joint Wireless Carriers agree with Commission Staff that prior to opening a further Commission proceeding, additional work is required so that the parties can better understand what issues they are trying to resolve – as well as what is currently being done to address those issues - before they try to come up with a solution (or solutions). The Joint Wireless Carriers believe, however, that the research which Commission Staff has done to date (as reflected in the Draft Report) speaks against the imposition on carriers of prescriptive regulation. The diverse nature of the LEP community in California will not fit neatly into a set of regulations. There is no conceivable way to script regulations which will address the informational and customer service needs of consumers who speak hundreds of languages, and have varying cultural characteristics, educational levels, and degrees of linguistic isolation.

For example, without a more fulsome understanding of the challenges faced by particular communities, a rule that requires carriers to print all collateral and/or contracts in a variety of languages may simply be ineffective since, among other things, it assumes a certain level of reading literacy and also assumes that the existence of written materials will somehow address the challenges faced by particular LEP communities. As noted at the workshops, some carriers find that providing their consumers with the ability to speak to an in-language operator is one effective means of addressing their customers' needs. Moreover, proscriptive regulations may inadvertently deter carriers from marketing in other languages, or, limit such marketing to English and Spanish.¹

Indeed, rather than focus on further Commission proceedings, the Joint Wireless Carriers suggest that the parties' emphasis should be placed on better understanding the needs of the particular LEP communities and fostering the relationship between the Commission Staff, the carriers, and the Community Based Organizations. Under such a dynamic, the Commission Staff and the carriers would be tasked with helping the CBOs help their constituents. As stated in the Draft Report (at p. 69):

A key way of improving customer service to LEP communities came up consistently in the workshops and public meetings held to gather information for this study: better cooperation and communications between the CBOs, telecommunications providers, and the CPUC.

¹ The Commission should not lose sight of the fact that the highest percentage of LEP consumers in the state is Latino. With respect to this ethnic group, as noted in the Draft Report, carriers already have significant Spanish in-language capabilities to address the particular needs of this group of consumers.

Indeed the Draft Report makes mention of one particular strategy for accomplishing this goal which was aired at the public workshops – allow CBOs to enter into formal relationships (similar to power of attorney) with carriers that would enable them to advocate on behalf of their constituents. This relationship would protect consumers' privacy while allowing the carrier to share customer information with the CBOs to facilitate the resolution of customer complaints.

The Joint Wireless Carriers support this concept, believing it can meet the needs of many of the LEP communities in the State.² Allowing CBOs to interact with carriers about specific customer complaints will serve a dual purpose. First, it will serve to diminish the cultural hurdles which often prevent LEP consumers from bringing their concerns to their telecommunications service provider. Second, it will be a targeted approach which will serve to resolve real consumer concerns, rather than a blanket approach (such as one size fits all rules) which in operation may not help to resolve even one matter for one consumer.

Moreover, the enhanced relationship between the carriers and the CBOs would need not (and should not) be limited to resolving individual consumer complaints. Rather it would also provide a forum for CBOs to bring matters of concern to a carrier. For example, if the CBO believes that certain in-language dealer advertising is misleading, such could be brought to the carrier for discussion and resolution.

Of course, this type of approach requires a concentrated effort by the CBOs. Such effort requires resources, of which the CBOs have informed the Commission they are of short supply. The Draft Report acknowledges this deficiency (at p. 70):

Because CBO funding is often project-based, and specific funding is not available to advocate for LEP telecommunication consumers, it can be difficult for CBOs to dedicate time to these issues vis-à-vis other issues. Consistent funding that would specifically support these consumer education and complaint resolution activities would address this concern of the CBOs.

In acknowledgement of this noted deficiency, the Draft Report (at p. 75) sets forth as part of its "Short Term Action Plan" the following goal:

Address issues of funding for CBOs who commit assist the Commission with these in-language issues, outreach, education and complaint resolution.

The Commission should act expeditiously to address the funding issue faced by the CBOs. In this regard, the Joint Wireless Carriers will actively support proposals to sustain and increase funding for CBOs as part of the CPUC/State budget process.

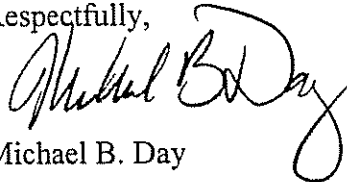
² The Joint Wireless Carriers recognize that given the number of identified languages spoken in California, there may not be a CBO for each LEP community. The needs of these more limited populations might best be addressed through means such as language line translation services.

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The Joint Wireless Carriers stand ready to continue developing a productive relationship between the wireless carriers and the CBOs so that all interested parties will better understand the needs of the LEP community, resolve consumer complaints and address the concerns of their constituencies. Such a process is already underway and the Joint Wireless Carriers believe that it will be a particularly effective way to provide meaningful and timely assistance to the State's LEP communities.

The Joint Wireless Carriers also look forward to continuing the dialogue with Commission Staff and all interested stakeholders in how best to meet the telecommunications needs of California's increasingly diverse population.

Respectfully,

A handwritten signature in black ink, appearing to read "Michael B. Day". The signature is fluid and cursive, with the first name "Michael" and last name "Day" clearly distinguishable.

Michael B. Day

Counsel for CTIA-The Wireless Association®
on behalf of the Joint Wireless Carriers

cc: President Michael Peevey
Commissioner Rachelle Chong
Commissioner John Bohn
Commissioner Dian Grueneich
Commissioner Geoffrey Brown
Service List, CPI LEP Report